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In re Application

Inventor(s): David Caplan and Charles E. Taylor
SC/Serial No.: 09/721,001
Confirm. No.: 5266
Filed: November 22, 2000
Title: MODULAR RACK FOR COMPACT DISCS

PATENT APPLICATION

Art Unit: 3634
Examiner: Tran, K.

Customer No. 23910

DECLARATION FOR C-I-P PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below), original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention of the present application:

Title of invention and of present application:

MODULAR RACK FOR COMPACT DISCS

The specification of the present application (check applicable ones):

is filed herewith;

✓

was filed with the above-identified "Filed" date and "SC/Serial No."

✓

was amended on (or amended through) May 14, 2002.

I have reviewed and understand the contents of the above-identified specification for the present application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the examination of the present application in accordance with Title 37, Code of Federal Regulations, §1.56.

This present application in part discloses and claims subject matter disclosed in, and I hereby claim the benefit under Title 35, United States Code §120 of any United States prior application(s) listed below:

(1) 09/240,308 (SC/Serial No.)	January 29, 1999 (Filing Date)	Abandoned (parent) (Status-pending, patented, abandoned)
(2) 09/625,228 (SC/Serial No.)	July 24, 2000 (Filing Date)	Pending (C-I-P of parent) (Status-pending, patented, abandoned)

Insofar as the subject matter of each of the claims of the present application is not disclosed in the United States prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

(1) Full name of sole
or first inventor: David Caplan

(1) Residence: 16029 S. 10th Place
Phoenix, AZ 85048

(1) Mailing Address: 650 Davis Street
San Francisco, CA 94111

(1) Citizenship: United States

(1) Inventor's signature: David Caplan

(1) Date: May 15, 2002

(2) Full name of second joint inventor: Charles E. Taylor

(2) Residence: 446 West Street
Sebastopol, CA 95472

(2) Mailing Address: 650 Davis Street
San Francisco, CA 94111

(2) Citizenship: United States

(2) Inventor's signature: Charles E. Taylor

(2) Date: 5/15/2002



**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled MODULAR RACK FOR COMPACT DISCS, the specification of which

is attached hereto.

(check one)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			<u>Priority Claimed</u>	
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

JANUARY 08, 2001

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FLEHR HOHBACH TEST ALBRITTON & HERBERT
MICHAEL A. KAUFMAN
FOUR EMBARCADERO CENTER - SUITE 3400
SAN FRANCISCO, CA 94111-4187



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RECORDATION DATE: 10/23/2000

REEL/FRAME: 011212/0698
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
CAPLAN, DAVID

DOC DATE: 09/26/2000

ASSIGNOR:
TAYLOR, CHARLES E.

DOC DATE: 09/22/2000

ASSIGNEE:
SHARPER IMAGE CORPORATION
650 DAVIS STREET
SAN FRANCISCO, CALIFORNIA 94111

SERIAL NUMBER: 09625228
PATENT NUMBER:

FILING DATE: 07/24/2000
ISSUE DATE:

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
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FORM PTO-1595

1-31-02

OCT 23 2000

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Patent and Trademark Office

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To the Honorable Assistant Commissioner for Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

David CAPLAN and Charles E. TAYLOR

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of Conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: 22 and 26 September 2000

2. Name and address of receiving party(ies):

Name: SHARPER IMAGE CORPORATION

Internal Address: _____

Street Address: 650 Davis Street

City: San Francisco

State: California Zip: 94111

Country: U.S.A.

Additional name(s) & address(es) attached?

 Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/625,228

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Michael A. KAUFMAN

Internal Address: FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Street Address: Four Embarcadero Center - Suite 3400

City: San Francisco

State: California Zip: 94111-4187

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR § 3.41):...\$ 40.00

 Enclosed Authorized to be charged to deposit account

8. Deposit account number: 06-1300

Please debit any underpayment or credit any overpayment to the above deposit account.

Our Order No. A-67467-2/RBC/MAK

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Michael A. KAUFMAN
Name of Person Signing*Michael A. Kaufman*
Signature

19 October 2000

Date

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Rev. 8/93 (39811)
SF-1033284v1

10/25/2000 ETULU1 00000041 09625228

05 FC:581

40.00 OP

ASSIGNMENT

WHEREAS, the undersigned,

(1) David CAPLAN, (2) Charles E. TAYLOR,

(hereinafter termed "Inventors"), residents of

(1) Las Vegas Phoenix -DC, (2) Sebastopol,

respectively, Counties of

(1) Clark MARICOPA -DC, (2) Sonoma,

respectively, States of

(1) Nevada ARIZONA -DC, (2) California,

respectively, have invented certain new and useful improvements in

MODULAR RACK FOR COMPACT DISKS

(Accompanying application)

- and have executed concurrently herewith an application for a United States patent disclosing and identifying the invention;

(Not accompanying application)

- for which an application for a United States Patent was filed on 24 July 2000,
having Application Number 09/625,228.

and

WHEREAS,

Sharper Image Corporation, a corporation of the State of Delaware,
having a place of business at 650 Davis Street, San Francisco, California 94111
(hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee this

(1) 26 day of September, 2000,

(2) 22 day of September, 2000,

respectively.


(1) David C. Golan
(inventor)


(2) Claude E. P. T. K.
Inventor